

**BLINDED VETERANS PAIRED  
ORGAN ACT OF 2007**

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 328, S. 1163.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1163) to amend title 38, United States Code, to improve compensation and specially adapted housing for veterans in certain cases of impairment of vision involving both eyes, and to provide for the use of the National Directory of New Hires for income verification purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Blinded Veterans Paired Organ Act of 2007".

**TITLE I—LOW-VISION BENEFITS MATTERS**

**SEC. 101. MODIFICATION OF RATE OF VISUAL IMPAIRMENT FOR PAYMENT OF DISABILITY COMPENSATION.**

Section 1114(o) of title 38, United States Code, is amended by striking "<sup>3</sup>/200" and inserting "<sup>20</sup>/200".

**SEC. 102. IMPROVEMENT IN COMPENSATION FOR VETERANS IN CERTAIN CASES OF IMPAIRMENT OF VISION INVOLVING BOTH EYES.**

Section 1160(a)(1) of title 38, United States Code, is amended—

(1) by striking "blindness" both places it appears and inserting "impairment of vision"; and

(2) by striking "misconduct;" and inserting "misconduct if—

"(A) the impairment of vision in each eye is rated at a visual acuity of 20/200 or less; or

"(B) the peripheral field of vision for each eye is 20 degrees or less;".

**SEC. 103. USE OF NATIONAL DIRECTORY OF NEW HIRES FOR INCOME VERIFICATION PURPOSES FOR CERTAIN VETERANS BENEFITS.**

(a) **USE OF INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.**—Chapter 53 of title 38, United States Code, is amended by adding at the end the following new section:

**"§5320. Use of National Directory of New Hires for income verification purposes**

"(a) **INFORMATION FROM NATIONAL DIRECTORY OF NEW HIRES.**—(1) The Secretary shall furnish to the Secretary of Health and Human Services information in the custody of the Secretary on individuals under the age of 65 who are applicants for or recipients of benefits or services specified in subsection (d) for comparison with information on such individuals in the National Directory of New Hires maintained by the Secretary of Health and Human Services pursuant to section 453 of the Social Security Act (42 U.S.C. 653). The Secretary shall furnish the information on a quarterly basis or at such other intervals as may be determined by the Secretary.

"(2) The Secretary shall furnish information under paragraph (1) with respect to any individual only if doing so is essential to determine the individual's eligibility for benefits and services specified in subsection (d) or the amount of benefits specified in paragraphs (1), (2), and (4) of subsection (d), to which the individual is entitled.

"(3)(A) The Secretary of Health and Human Services shall, in cooperation with the Secretary and in accordance with this subsection—

"(i) compare information in the National Directory of New Hires with information furnished pursuant to paragraph (1); and

"(ii) disclose information in that directory to the Secretary for the purposes specified in this subsection.

"(B) The Secretary of Health and Human Services may make a disclosure in accordance with subparagraph (A) only to the extent that the Secretary of Health and Human Services determines that such disclosure does not interfere with the effective operation of the program under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.).

"(4) The Secretary may use information resulting from a data match pursuant to this subsection only for the purpose of determining eligibility for benefits and services specified in subsection (d), and the amount of benefits specified in paragraphs (1), (2), and (4) of that subsection, for individuals under the age of 65.

"(5) The Secretary shall reimburse the Secretary of Health and Human Services for the additional costs incurred by that Secretary in furnishing information under this subsection. Such reimbursement shall be at rates that the Secretary of Health and Human Services determines to be reasonable (and shall include payment for the costs of obtaining, verifying, maintaining, and comparing the information).

"(b) **NOTIFICATION TO BENEFICIARIES.**—The Secretary shall notify each applicant for, or recipient of, a benefit or service specified in subsection (d) that income information furnished by the applicant to the Secretary may be compared with information obtained by the Secretary from the Secretary of Health and Human Services under subsection (a). The Secretary shall periodically transmit to recipients of such benefits additional notices under this subsection.

"(c) **INDEPENDENT VERIFICATION REQUIRED.**—The Secretary may terminate, deny, suspend, or reduce any benefit or service described in subsection (d) by reason of information obtained from the Secretary of Health and Human Services under subsection (a) only if the Secretary takes appropriate steps to verify independently information relating to employment and income from employment.

"(d) **COVERED BENEFITS AND SERVICES.**—The benefits and services specified in this subsection are the following:

"(1) Needs-based pension benefits provided under chapter 15 of this title or under any other law administered by the Secretary.

"(2) Parents' dependency and indemnity compensation provided under section 1315 of this title.

"(3) Health-care services furnished under subsections (a)(2)(G), (a)(3), and (b) of section 1710 of this title.

"(4) Compensation paid under chapter 11 of this title at the 100 percent rate based solely on unemployability and without regard to the fact that the disability or disabilities are not rated as 100 percent disabling under the rating schedule.

"(e) **OPPORTUNITY TO CONTEST FINDINGS.**—The Secretary shall inform the individual of the findings made by the Secretary on the basis of verified information under subsection (c), and shall give the individual an opportunity to contest such findings in the same manner as applies to other information and findings relating to eligibility for the benefit or service involved.

"(f) **SOURCE OF FUNDS FOR ADMINISTRATION OF SECTION.**—The Secretary shall pay the expenses of carrying out this section from amounts available to the Department for the payment of compensation and pensions.

"(g) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to obtain information from the Secretary of Health and Human Services under subsection (a) expires on September 30, 2012."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"5320. Use of National Directory of New Hires for income verification purposes."

(c) **EFFECTIVE DATE.**—Section 5320 of title 38, United States Code, as added by subsection (a), shall take effect 270 days after the date of the enactment of this Act.

**TITLE II—BURIAL AND MEMORIAL  
AFFAIRS MATTERS**

**SEC. 201. PROVISION OF MEDALLION OR OTHER DEVICE FOR PRIVATELY PURCHASED GRAVE MARKERS.**

Section 2306(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(5) The Secretary may, upon request, furnish in lieu of a headstone or marker authorized by this subsection a medallion or other device of a design determined by the Secretary to signify the deceased's status as a veteran to be affixed to a headstone or marker purchased at private expense."

**SEC. 202. INCREASE IN ASSISTANCE FOR VETERANS INTERRED IN CEMETERIES OTHER THAN NATIONAL CEMETERIES.**

(a) **REPEAL OF TIME LIMITATION FOR STATE FILING FOR REIMBURSEMENT FOR INTERMENT COSTS.**—

(1) **IN GENERAL.**—The second sentence of section 3.1604(d)(2) of title 38, Code of Federal Regulations, shall have no further force or effect as it pertains to unclaimed remains of a deceased veteran.

(2) **RETROACTIVE APPLICATION.**—The provision of paragraph (1) shall take effect as of October 1, 2006.

(b) **GRANTS FOR OPERATION AND MAINTENANCE OF STATE VETERANS' CEMETERIES.**—

(1) **IN GENERAL.**—Subsection (a) of section 2408 of title 38, United States Code, is amended—

(A) by inserting "(1)" before "Subject to";

(B) by designating the second sentence as paragraph (2) and indenting the margin of such paragraph, as so designated, two ems from the left margin; and

(C) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking "assist such State in establishing, expanding, or improving veterans' cemeteries owned by such State." and inserting "assist such State in the following:

"(A) Establishing, expanding, or improving veterans' cemeteries owned by such State.

"(B) Operating and maintaining such cemeteries."

(2) **LIMITATION ON AMOUNTS AWARDED.**—Subsection (e) of such section is amended—

(A) by inserting "(1)" before "Amounts"; and

(B) by adding at the end the following new paragraph:

"(2) In any fiscal year, the aggregate amount of grants awarded under this section for the purposes specified in subsection (a)(1)(B) may not exceed \$5,000,000."

(3) **CONFORMING AMENDMENTS.**—(A) Subsection (b) of such section is amended—

(i) by striking "Grants under this section" and inserting "Grants under this section for the purposes described in subsection (a)(1)(A)"; and

(ii) by striking "a grant under this section" each place it appears and inserting "such a grant".

(B) Subsection (d) of such section is amended by inserting "or in operating and maintaining a veterans' cemetery," after "veterans' cemetery".

(C) Subsection (f)(1) of such section is amended by inserting "or in operating and maintaining veterans' cemeteries," after "veterans' cemeteries".

(4) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out the amendments made by this subsection.

**SEC. 203. MODIFICATION OF AUTHORITIES ON PROVISION OF GOVERNMENT HEADSTONES AND MARKERS FOR BURIALS OF VETERANS AT PRIVATE CEMETERIES.**

(a) **REPEAL OF EXPIRATION OF AUTHORITY.**—Subsection (d) of section 2306 of title 38, United

*States Code, as amended by section 201 of this Act, is further amended—*

*(1) by striking paragraph (3); and*  
*(2) by redesignating paragraphs (4) and (5) (as added by section 201) as paragraphs (3) and (4), respectively.*

*(b) RETROACTIVE EFFECTIVE DATE.—Notwithstanding subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–103; 115 Stat. 995; 38 U.S.C. 2306 note), the amendments made to section 2306(d) of title 38, United States Code, by such section 502 and the amendments made by section 402 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461), other than the amendment made by subsection (e) of such section 402, shall take effect as of November 1, 1990, and shall apply with respect to the graves of individuals who have died on or after that day.*

Mr. AKAKA. Madam President, I urge my colleagues to support S. 1163, as amended, the Blinded Veterans Paired Organ Act of 2007. This bill would expand benefit eligibility for veterans with service-connected vision impairment and enhance the burial and memorial benefits offered by the Department of Veterans Affairs.

This legislation, which I introduced in April of this year, has subsequently been amended and reported favorably by the Committee on Veterans' Affairs. As amended, S. 1163 would modify the standard that the Department of Veterans Affairs uses when determining blindness and improve compensation for veterans who experience impairment of vision in both eyes. The measure would also enhance burial and memorial benefits for veterans, and further maintain the integrity of veterans benefits by making certain that those in receipt of certain needs-based benefits qualify for such benefits.

Vision impairment is a serious disability that frequently results from injuries sustained on the battlefield. We are all aware that traumatic brain injuries caused by roadside bombs on the Iraqi highways are one of the greatest dangers that our service men and women face in Iraq. These injuries are frequently accompanied by damage to the individual's vision. As of August of this year, VA had granted service-connection for vision impairment to 230 veterans of the conflicts in Iraq and Afghanistan. These veterans face significant readjustment challenges when they return to civilian life. Often, they find that they cannot resume the same occupations or daily activities that were staples of their lives before their injuries.

This bill would enhance disability compensation benefits for two distinct groups of veterans with impaired vision due to service—those with service-connected blindness in one eye who subsequently suffer loss of vision in the other eye later in life and those who receive special monthly compensation for multiple disabilities, including vision impairment. In both cases, this legislation would amend the vision impairment criteria used by VA so as to encompass veterans with 20/200 vision or less, the standard for blindness used by the Social Security Administration and the American Medical Association.

Earlier this session, the House passed a companion bill, H.R. 797, the Dr. James Allen Veteran Vision Equity Act, which would make the same change to the paired organ vision criteria as S. 1163. I take this opportunity to acknowledge the sponsor of that bill, Representative TAMMY BALDWIN of Wisconsin. A long-time ophthalmologist at the VA hospital in Madison, WI, Dr. James Allen, brought the issue to Representative BALDWIN's attention several years ago and she has since worked to make the necessary change on behalf of blinded veterans. Representative BALDWIN and Dr. Allen deserve thanks and credit for their efforts on behalf of veterans.

The amended bill also includes several provisions that would enhance burial and memorial benefits for veterans. I will briefly describe them.

The amended bill would permanently authorize VA to provide government headstones or markers for the privately-marked graves of veterans interred at private cemeteries. Current law authorizes VA to furnish, upon request, an appropriate headstone or marker for the grave of an eligible individual who died after September 10, 2001, and who is buried in a private cemetery, notwithstanding that the grave is marked by a headstone or marker furnished at private expense. Thus, in some cases, an individual's grave may have two markers—one privately-purchased and one furnished by VA. Prior to 2001, this authority had been suspended for 11 years, making those who died between November 1, 1990, and September 10, 2001, ineligible for the benefit. Furthermore, the current authority is only temporary, set to expire on December 31, 2007. This bill would address these temporal constraints by eliminating the sunset and making the authority permanent, and by making the authority retroactive to cover the 11-year gap in current law. In addition, this bill would give VA the authority to furnish a new medallion or other device that could be placed on an existing grave marker in a private cemetery to signify that the deceased was a veteran, in lieu of providing a second marker or headstone.

The amended bill would also repeal the current 2-year window within which States must file for reimbursement from VA for the interment or inurnment of the unclaimed remains of deceased veterans. To assist States in meeting some or all of their cemetery operations and maintenance expenses, current law requires VA to pay to States a \$300 plot allowance for the interment or inurnment of eligible veterans and reserve component members. In order to receive plot allowance revenue, States must currently submit claims within 2 years after the permanent burial or cremation of the remains has occurred. However, the 2-year window within which States must file can prove difficult to meet in situations in which remains are not identified as those of a veteran until after the 2-year period has expired.

Finally, the amended bill would authorize \$5 million to cover a portion of the operational and maintenance expenses of State cemeteries under criteria to be determined by VA. The need to incentivize greater participation by States in the State cemetery grant program was discussed in a December 19, 2000, VA-contracted report entitled *An Assessment of the Burial Benefits Administered by the Department of Veterans Affairs*. The report found that an option for better serving veterans and their families was to "provide maintenance support to State veterans cemeteries."

I am pleased to advise my colleagues that the provisions in this bill are paid for by utilizing the National Directory for New Hires to make certain that those in receipt of certain needs-based benefits qualify for such benefits. The savings from this provision more than pays for the expansion of benefits to veterans that are included in this bill.

This is a sensible bill that would provide small but important improvements to benefits of great importance to many veterans and their families. I urge my colleagues to support its passage.

Mr. BROWN. Madam President, I ask unanimous consent that the committee-reported substitute be agreed to; that the bill, as amended, be read a third time; that the Veterans' Affairs Committee then be discharged of H.R. 797, the House companion, and the Senate then proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 1163 be inserted in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider be laid upon the table; that S. 1163 be returned to the calendar; and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1163) was ordered to be engrossed for a third reading and was read the third time.

The bill (H.R. 797), as amended, was ordered to a third reading, was read the third time and passed.

#### ORDERS FOR MONDAY, NOVEMBER 5, 2007

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, November 5; that on Monday, following the prayer and pledge, the Journal of Proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 3 p.m., the Senate proceed to the consideration of H.R. 2419, the